



Newsletter of the Tennessee Human Rights Commission

Volume IV - Fall 2012

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Chair Stacey Garrett thanking Executive Director Beverly Watts for 5 years of service



Assoc. General Counsel Rachel Appelt, Investigator Barbara Gardner & Housing Coordinator Richard Gadzekpo at Chattanooga Fair Housing Event



Title VI Compliance Program Director Marcus Thomas leading the 2012 annual Title VI training



State employees breaking during the 2012 annual Title VI Training



Exec. Director Beverly Watts at the IAOHRA Conference pictured with NCRC leadership, Michael Mitchell & David Berenbaum



Deputy Director Sabrina Hooper at the Employment Law Seminar with co-panelists Katharine Kores (EEOC) & Danielle Barnes (DOHR)



Message from Chair of the Board of Commissioners, Stacey Garrett



This spring and summer were filled with a number of activities at the Tennessee Human Rights Commission. We said goodbye to some of our former staff members who continue on with their career, and we have welcomed new staff on board.

We also hosted some very exciting events that provided citizens the opportunity to learn more about human rights issues and laws. We completed our Roundtable tour for the year in Columbia and brought together Title VI Coordinators for the annual training. This April's Fair Housing Celebration in Memphis was extremely successful. This event welcomed such speakers as Memphis Mayor A C Wharton, U.S. Dept. of Housing & Urban Development General Deputy Assistant Secretary Bryan Greene, Chief of the Housing & Civil Enforcement Section of the U.S. Department of Justice Steven Rosenbaum and Tennessee Attorney General Robert Cooper.

In June, we were delighted to have the annual Employment Law Seminar break previous years' attendance records. Attendees were able to hear from EEOC Commissioner Victoria Lipnic, and several local attorneys and employment law professionals. We are already looking forward to next year's Employment Law Seminar which will be held in June 2013.

Please be sure to join our mailing list and connect with us on Facebook to make sure you know about all the upcoming THRC events



Message from THRC Executive Director, Beverly Watts

This year, we are making a special effort to acknowledge THRC history as we celebrate our 50th Anniversary. But the history we are currently making also deserves acknowledgement. This year we had two major landmarks: we had four amendments to our Rules and had a reasonable cause case taken to hearing.

The rule amendments provide clarity for our stakeholders. The four changes include referencing EEOC's guidance on speaking "English-only" in the workplace, defining the term "sex" under T.C.A. §4-21-102 (20), and amending the definitions of "reasonable cause" and "no reasonable cause" for clarity and federal compliance. On May 7, 2012, the Legislature's Joint Government Operations Committee approved the Commission's proposed rules. The rules became effective on June 21, 2012.

After the Commission finds reasonable cause in a case, our statute requires us to make attempts at conciliation. This spring, the Commission had a hearing in a housing case where reasonable cause had been issued and conciliation attempts had failed. THRC v. Weathers, Docket No. 34.00-116100A: Involved a property owner who refused to rent apartments to Chinese people because of their tendency to "stir-fry" food. The Administrative Law Judge found discrimination with regard to refusal to rent and discriminatory statements on the basis of national origin. The Judge awarded monetary civil penalties to the Commission, and compensatory damages to the complainants. Respondent was ordered to attend the 2013 Fair Housing Matters Conference at his own expense and to pay court costs not to exceed \$2,000.

As we reflect on our past this year, we are acknowledging our current successes and trials and looking forward to the future.



Tennessee Human Rights Commission

Celebrating 50 Years of Education & Enforcement

The Tennessee Human Rights Commission Board of Directors has approved plans at its September 2012 board meeting to increase visibility and understanding of the Commission in coordination with the agency's 50th anniversary in September 2013.

The 50-year history of the Commission began on September 30, 1963, when Governor Frank G. Clement signed Executive Order 18 creating the Tennessee Human Relations Commission. At the time, the purpose of the Commission was advising the public on the human rights laws of that time.

- ⇒ In 1967, the state legislature created the Tennessee Commission on Human Development.
- ⇒ In 1978, that the Tennessee Human Rights Act became law and transformed the Commission into an enforcement agency with the power to investigate, conciliate and litigate claims of discrimination.
- ⇒ Throughout the late 1970s- early 1980s, the Commission expanded protections to include disability, age and familial status (housing only) and officially became the Tennessee Human Rights Commission (THRC).
- ⇒ Since 1979, THRC has partnered with the U.S. Equal Employment Opportunity Commission. In 1994, THRC became partners with the U.S. Department of Housing & Urban Development. These partnerships allow the THRC to extend federal protections to persons alleging discrimination.
- ⇒ Today, the THRC mission is to safeguard individuals from discrimination through enforcement and education.

Through a variety of enriching and educational workshops, meetings, and events, the Commission seeks to celebrate 50 years of enforcing Tennessee anti-discrimination law and educating the public on their rights.



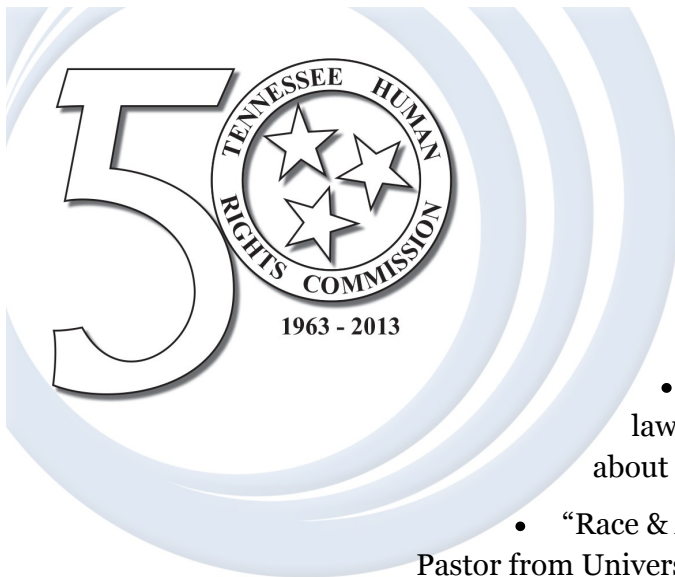
Viewing of the recently signed human rights law, 1963. Pictured: Fred Cloud, Arnette Montague & (Former Employee & Current Commissioner) Patricia Pierce

A calendar of events will be released and speakers will be available upon request. For more information, see the website at <http://www.tn.gov/humanrights/50thAnniversary.shtml>



Commissioners Patricia A. Pierce of Harriman (left) and Jocelyn Dan Wurzburg of Memphis (right) will chair the subcommittee to plan activities around the state leading up to the culminating celebration.





Report from the International Association of Official Human Rights Agencies (IAOHRA) 2012 Annual Conference

Executive Director Beverly Watts and other THRC staff members attended the IAOHRA Conference this August to receive the latest in trends and updates for Human Rights Agencies. Among the fascinating presentations were some unique and new topics such as:

- The “Ban the Box” Movement in Philadelphia. The new law in Philadelphia prohibits employers from inquiring about ex-offender status in an initial application.
- “Race & America’s Future” was presented by Professor Manuel Pastor from University of Southern California. This presentation discussed the recent U.S. Census Data that revealed slightly more than half of all newborns are Latino, black, Asian, Native American or of mixed race, and how this will change the future for the country.

To learn more about the sessions presented at the IAOHRA conference and to download presentation visit <http://www.iaohra.org/2012-iaohra-conference-report/>

NCRC Official Presents Mortgage Lending Data to THRC Board of Commissioners

A review of mortgage lending practices and efforts to combat mortgage lending discrimination were the focus of a presentation by David Berenbaum, Chief Program Officer of the National Community Reinvestment Coalition (NCRC), to the July 20, 2012 Board of Commissioners’ meeting.

During his presentation, “Preliminary Home Mortgage Disclosure Act (HMDA) report for Tennessee and Efforts to Combat Predatory Practices,” Berenbaum explained the NCRC data analysis for Memphis, Nashville, Knoxville, and Chattanooga. The good news is that Tennessee has fared better than the nation as a whole in purchasing applications, he said, although there are “issues of concern from a fair lending perspective.”

“Access to credit is the critical issue on disparate impact,” he said. Zoning, housing availability and accessibility are also reviewed for disparate impact. Foreclosures are up dramatically in 2012. Berenbaum added the nation is being hurt due to a lack of re-financing legislation to help homeowners. He said the health of the housing market has nothing to do with the down payment, but has everything to do with responsible products.

He explained that HELOCs (home equity line of credit) are a major danger since interest rates are going to go back up. He also warned that the FHA loan portfolio is in real trouble. And the next wave of predatory lending will be reverse mortgages, he said.



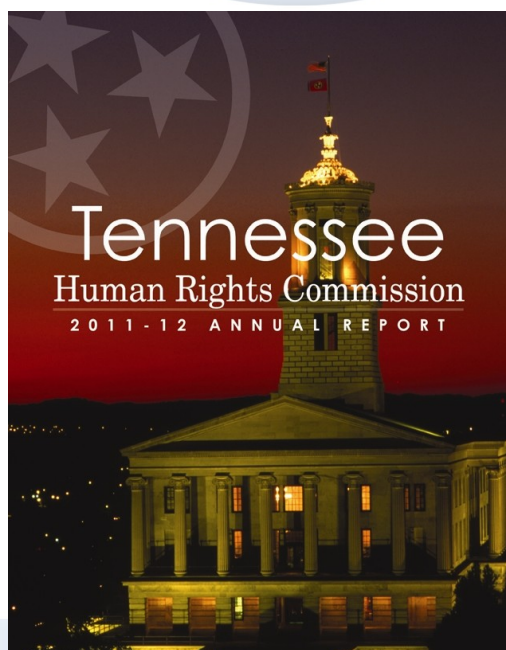
THRC Executive Director Beverly Watts serves on the National Neighbors Advisory Council of the NCRC. THRC has signed a partnership agreement with the NCRC to provide training for THRC staff and other housing industry personnel on understanding and identifying questionable issues in mortgage papers and to develop more trend reports for the state of Tennessee.

To learn more, go to www.ncrc.org



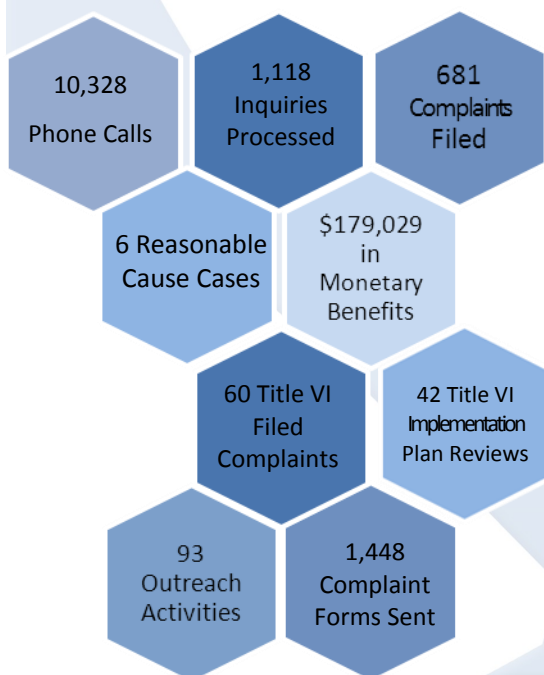
Presenting the 2011-2012 Tennessee Human Rights Commission Annual Report

Below is a selection of accomplishments and figures from this year's annual report. To learn more about the past year at the Commission, please view the [Annual Report online](http://tn.gov/humanrights/publications/2012%20Annual%20Report.pdf) at: <http://tn.gov/humanrights/publications/2012%20Annual%20Report.pdf>



Overview of Accomplishments for 2011-2012 fiscal year:

- ⇒ The Commission was honored by the April 4th Foundation with the "Open Door Award" at the 12th Annual Awards Banquet in Memphis on April 4, 2012. This award honors those who have "opened doors" and followed in the spirit of Dr. Martin Luther King, Jr.
- ⇒ The Commission has signed a partnership agreement with the National Community Reinvestment Coalition (NCRC) to provide training and resources for THRC staff and other housing industry personnel on fair lending abuse and mortgage fraud.
- ⇒ The Title VI Compliance Program achieved a 63% improvement in state agencies' meeting Implementation Plan requirements.
- ⇒ The Legal Division reviewed and recommended 477 cases for closure - finding reasonable cause in 6 cases.
- ⇒ The Housing Division closed 71% of cases within 100 days or less, well above the HUD cooperative agreement standard performance goal of 50%. The Division conciliated 34 cases, amounting to over \$33,000 in monetary benefits for complainants.
- ⇒ The Employment Division conciliated 17 cases resulting in \$48,803.00 monetary benefits and non-monetary benefits including job reinstatement, attorney's fees, promotions and training. The Division also worked diligently to reduce the average number of days to case closure, decreasing by 14% from last year.
- ⇒ The Education & Outreach Division had record-breaking attendance at the Employment Law Seminar (157 attendees) and co-hosted a very successful and highly attended Fair Housing Celebration in Memphis, TN (127 attendees).
- ⇒ The Customer Service Division delivered a 17% increase in the number of complaint forms delivered to citizens.





2012 Employment Law Seminar: Another successful ELS, sharing the latest in employment trends, cases & legislation

The 2012 Employment Law Seminar featured outstanding speakers who delivered practical information with knowledge and humor to the record-breaking 157 attendees. Attorneys and human resources professionals who attended were eligible to receive professional credits. The all-day seminar was sponsored by the THRC in partnership with the Tennessee Department of Human Resources (DOHR).

The first panel, "Employment Complaint Trends from DOHR, THRC, and EEOC," featured panelists Danielle Barnes (DOHR General Counsel), Sabrina Hooper (THRC Deputy Director) and Katharine Kores (EEOC Memphis District Director). Kim Vance (Baker, Donelson, Bearman, Caldwell & Berkowitz, PC), a perennially popular speaker, discussed "Religious Discrimination and Accommodation Issues." "Mediation Tips in Employment Cases" were discussed by Mark C. Travis (Executive Director of TN Center for Workforce Relations,) with panelists Anne Martin (Bone McAllester Norton, PLLC) and Jonathan Harris (Ogletree Deakins). They emphasized the



role of mediation in helping to keep employment complaints from escalating and creating unnecessary costs for businesses.

After lunch, EEOC Commissioner Victoria A. Lipnic from Washington, DC, gave updates about the agency and discussed her philosophy about the EEOC. She emphasized her practical approach to the issues that come before EEOC and how policies are crafted. "Social Networking Issues in the Workplace" were presented by attorney Tim K. Garrett (Bass, Berry & Sims, PLC). He discussed how employers and employees need to know what is and is not acceptable through policies that are easily understood. The final presentation by attorneys Waverly Crenshaw and Jeb Gerth of Waller, Lansden, Dortch & Davis is always one of the most popular presentations as they give a quick-paced update of Employment Law & Legislation.



Please visit our [Resources](#) page to review some of the presentations from the Seminar. Hope to see you at the next Employment Law Seminar in June 2013.

Want to know about the latest programs, events and news from the
THRC?

[Click here](#) to join our e-mail list.

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